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PROBLEMS IN THE INDIAN TERRITORY.

BY SENATOR ORVILLE H. PLATT, OF CONNECTICUT.

POLITICAL and social problems in the Indian Territory are unique, complicated, and pressing. The name "Territory" is misleading. It suggests the existence of an ordinary Territorial government, when, in fact, there is no organization except that of the so-called Five Civilized Tribes of Indians, viz., the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles. The last-named tribe has little more than the usual tribal government, and may be practically omitted when considering the questions arising there. Each of the other tribes named has an organized government copied in form from that of the United States, a written constitution, a legislature composed of two houses, written and published laws, elections, courts, judges, juries, civil officers, and indeed all the forms and methods of self-government. Each tribe claims to be an independent nation with every attribute of sovereignty—in fact, a foreign power. The Indian is not a citizen of the United States, but of the "nation" to which he belongs. In conversation he speaks of "our" government and "your" government as an Englishman would. Our courts neither exercise nor claim jurisdiction in controversies or offences between the members of the several tribes. It is insisted that the United States has by repeated treaties so recognized these "nations" and guaranteed them autonomy that any interference whatever on our part would be violative of national honor.

We have, then, the startling proposition that within the boundaries of the United States four other republics have a rightful, independent existence, free from our control, and that our only possible relation to them as separate governments is an obligation to continue their existence. It needs only the statement of such

a claim to show how much of perplexity and probable trouble it involves. If these alleged nationalities were composed of our own citizens, with common habits, occupations, and ambitions—if, for example, four counties in the State of New York claimed to be separate and complete republics, free from State or National control—it would be a most perplexing situation; but when the citizens of these Indian “nations,” who have so little in common with our people socially or commercially, regard themselves as aliens, cherishing, not unnaturally, perhaps, a feeling of latent hostility, and retain in great degree Indian traits, characteristics, and traditions, the problem becomes very serious.

The question naturally arises, How did this state of affairs originate, and why does it continue? Without exactness as to dates, it may be said that prior to 1830 the Cherokees, Creeks, Choctaws, and Chickasaws lived in States east of the Mississippi River, occupying or roving over large tracts of territory claimed by them respectively as their own. Conflicts between them and the whites were constantly occurring, and the land and hunting grounds claimed by them were constantly encroached upon, till life became intolerable both for whites and Indians.

In General Jackson’s administration a plan was developed by which the lands claimed by the Indians were to be purchased and they themselves were to be removed west of the Mississippi. This plan was carried out in the years between 1830 and 1840. The lands comprising all that country which has been marked on our maps as Indian Territory, including the present Territory of Oklahoma, were given in exchange for lands east of the Mississippi, and in addition large cash payments were made, which constitute the trust funds now held in the Treasury for the respective tribes. They have parted from time to time with their title to lands not actually occupied, so that our Government has reacquired the Oklahoma lands and opened them to settlement; and the Indian Territory now comprises only the lands at present occupied by these several tribes.

This country is about as large as the State of Indiana, equals that State in fertility of soil, salubrity of climate, and surpasses it probably in coal, minerals, and valuable timber. It is occupied by the respective tribes in separate sections under patents granted by the United States. These patents in each instance convey the lands to the tribe so that the title is in the whole tribe

—a title in common. Each tribe has its own lands, and no interest in the lands of the others except that, by agreement between themselves, the Choctaws and Chickasaws have a joint interest.

The alleged guarantees that these Indian “nations” shall have complete autonomy and perpetual existence are embodied in certain stipulations on the part of the United States in various treaties, which without lengthy quotations may be summarized as follows: Agreements that these Indian tribes should never without their own consent be included within the territorial limits or jurisdiction of any State or Territory, but should have the right to make and carry into effect all laws for the government and protection of the persons and property within their own country belonging to their own people, or of such persons as had connected themselves with them, if such laws were not inconsistent with the Constitution of the United States and the so-called intercourse acts of Congress; also, that the United States should protect the Indians “against interruptions or intrusions of citizens of the United States who may attempt to settle in the country without their consent,” and should remove such persons from their country if they should find lodgment there; also, that the several tribes should have the sole right to determine questions of Indian citizenship. From the treaties it is also perfectly clear that each tribe took the title to its lands in trust for the equal benefit of all its members. In some of the treaties it is expressed that every Indian “shall have an equal right with every other Indian in each and every portion of the Territory”; and such is the unmistakable meaning of all.

Referring to accounts of the negotiations of the treaties containing these alleged guarantees of continuous independent government, there can be no difference of opinion as to the reason for them. These stipulations were inserted upon the express request of the Indians that they should be permitted to live by themselves, and while thus living regulate their own affairs, and that white people should not be permitted to “obtain a lodgment there.” The treaties imply a promise on the part of the Indians to live by themselves, as certainly as they contain a promise on our part that they should be protected against the intrusion of whites. The letter as well as the spirit of these treaties was to secure to the Indians exclusive occupation of the country for the

equal benefit of all members of the tribes, and self-government in their isolation. Neither party ever contemplated a continuance of the tribal or Indian governments when a few should have appropriated all the land and when white people should by invitation of the Indians have come to "secure a lodgment" and outnumber the Indians four to one. Nor can it be supposed that it was intended that these Indian governments should be perpetuated when they no longer answered the purpose of government either for Indian or white.

Great changes have taken place since the original negotiation of these treaties. The country to which those Indians removed was then a thousand miles beyond the westernmost limit of civilization. Its adaptability to civilized life was probably unsuspected. The Indian then lived largely by the chase. The buffalo and antelope were to be found on the plains; other large and small game in the hills. It was an ideal hunting-ground. No one looked forward to the time when wheat, corn, and cotton should be raised there for shipment to different States and foreign countries; when seven railways should traverse the territory, and twenty thousand miners should be engaged in bringing its underlying coal to the surface; when three hundred thousand white people should reside there with the consent of the Indians; when towns and cities should spring up as if by magic; when the telegraph and telephone should connect it with the outside world, and the requirements of modern business enterprise should grow more pressing day by day. The desert has blossomed; the wilderness is under cultivation. The new conditions must be confronted and dealt with. Five separate Indian governments, dealing only with Indian citizens and their property, are no longer adequate, or, indeed, tolerable. There must be government there for whites as well as for Indians, and it must be adapted to the wants of both.

The presence of so many white people in this Indian country needs explanation. Laws have been passed by each of the Indian governments which permit Indian citizens to secure the use of as much unoccupied land as they may choose to appropriate by fencing or other method of occupancy. Complying with the letter, but in violation of the spirit, of these laws, immense tracts of fertile land have been appropriated by individual Indian citizens. In such appropriation, the white man, who has become

an "Indian" merely by intermarriage, has taken the land until at the present time it may be said with approximate accuracy that less than five hundred Indian citizens, a large proportion of whom have not a drop of Indian blood in their veins, have secured and occupy nine-tenths of the agricultural and grazing land of the country. Sometimes occupancy is secured by fencing, sometimes simply by ploughing a furrow around the tract. Some of the holdings thus secured by white "Indian" citizens exceed 100,000 acres in extent. In the Creek Nation sixty-one persons have thus appropriated and hold 1,237,000 acres, practically all the valuable arable and grazing land belonging to the nation. This is perhaps the most glaring illustration of land monopoly prevailing there, although among all the tribes it is true that a few persons have acquired and are holding most of the valuable land.

Very few full-blood Indians, if any, are among these great landholders. The white Indian has been the most rapacious. The mixed bloods have engaged in this wholesale appropriation to some extent. As a rule, however, the full blood and most of the mixed bloods are practically shut out from the occupancy of the land. The trust created by the conveyances from the United States to the Indians, under which the lands were to be held in common for the equal benefit of the members of the tribe, is thus utterly disregarded.

To cultivate these immense holdings, tenants are required. The land monopolist, therefore, rents his holding in sections to white farmers, or in the "nations," where renting is forbidden by law, resorts to the fiction of employing white laborers, and the Indian councils or legislatures issue permits for the white laborers who thus come to occupy the land held by the white or half-breed Indian landlord. Over the farming area of the country there are settlements of white farmers occupying with the permission of the Indian land monopolist and paying rent to them either in money or in kind. The whole agricultural land has thus been settled up as really and as truly as in Oklahoma. This involves the necessity of towns, trades, professions, and the business methods of white civilization. Buildings for trade and residence are erected upon lots, the use of which is conveyed to the white occupant by the Indian landholder, and this kind of occupancy is rapidly increasing.

Probably nowhere else in the world since the time of the feudal barons has there been a condition of society demanding reformation equal to that now demanded in the Indian Territory. As might be expected, the Indian citizen landholders control the Indian governments absolutely, and no law can be passed in Indian legislatures interfering with their greed ; and any law which they desire enacted for their benefit is secured either by appeals to prejudice, by threats, or by open bribery. The landholder has thus acquired his holding without cost to himself, and is as secure in its possession under the present *régime* as if he had a patent from the United States.

The full-blood Indian, as a rule, is poor, shiftless, and ignorant, without ambition and without opportunity. He cannot acquire any land beyond a miserable holding of an acre or two in the mountainous country. The opportunities for further development and civilization are absolutely denied to him, while his patrimony is absorbed by the rapacious white Indian or half-breed. In every particular the progress of the full-blood Indian has been arrested. He is not advancing, he is retrograding.

Modern observation and thought have reached the conclusion that allotment of land in severalty, and citizenship, are the indispensable conditions of Indian progress. Neither one is possible while the present Indian governments continue. The share of the common Indian has been as truly stolen from him as if he had been driven off the land by white men. There will never be a division and allotment until Congress shall take the matter in hand and compel it ; and the longer this is delayed the greater is the probability that justice will never be done the Indian.

When the Dawes commission went to the Territory to negotiate for allotment it is believed that a majority of the members of the different tribes desired it, but they were soon given to understand that it would not be safe to advocate it openly. When a delegation, which came in fear and trembling to say to the commission that they hoped the land would be allotted, was asked to sign a petition to that effect, the reply was : “ We can’t do that ; it lightens behind the trees at night.”

The fact is, these so-called Indian governments are failures. They are controlled absolutely by the few Indians who have acquired the lands in the manner described. They are not Indian republics ; they are white oligarchies. The purchase of legisla-

tures, of courts and juries, and of the entire civil and criminal administration, is open and unblushing, and virtually undenied. The Indian governments no longer protect life, liberty, and property. There is good authority for saying that during the past year there have been over two hundred and fifty murders committed in the Indian Territory by and among Indians, who, including negro citizens, do not exceed 67,000 ; yet not a half-dozen murderers have been punished, and in a great majority of the cases proceedings have never been instituted. In an Indian newspaper just received, among the news items there is this allusion to the situation showing as perhaps nothing else can how cheaply human life is regarded among the Indians. The item reads : " There is altogether too much killing in the nation."

It is to be observed that the white people living in the Territory are entirely without government. They have no part in the Indian governments, nor can the Indian governments make laws for them. They cannot vote, they cannot have municipal organization, they can have no school system, no public construction of roads or bridges, no taxation, and none of the privileges and responsibilities of American citizens. In the white towns some voluntary schools for white children are maintained ; but in the agricultural localities there are no schools, and the white children are growing up with positively no teaching. As a consequence of this unsettled, unorganized condition of society, the country is a resort for desperadoes and refugees, and crimes and depredations are rampant.

This statement of the situation of affairs, not exaggerated but rather understated, shows that there must be a change of government there ; that the Indian governments are no longer adequate or useful. The stipulations in the treaties made with those Indians that they should be permitted to govern themselves, and that white people should not be allowed to dwell among them, are no longer obligatory. The moral obligation to keep the letter of a treaty ceases when the reason for the treaty no longer exists and the other party to the agreement has failed to carry out the original purpose and spirit of the treaty. That the reason for the guarantees on the part of the United States no longer exists is unquestioned ; that the Indian governments no longer hold their lands for the equal benefit of the members of their tribes is equally undeniable.

Has the United States no duty to perform in such a state of affairs? Was it absolved from every duty and obligation to protect and secure the welfare of the Indians belonging to those tribes when by treaty it agreed that they might govern themselves in their desired isolation? Was it absolved from all obligation to protect white citizens who might be invited into that country by the Indians themselves and to provide for their welfare?

Our obligation to the Indian demands that we should secure for the common Indian of those tribes his rights now denied to him, and give him the opportunity for advancement in civilization and happiness. Our obligation to the white citizen of the United States, whom the Indians have encouraged and invited to dwell among them, demands that we should take such steps as will secure to him the reasonable rights and privileges of citizenship.

The situation is rapidly growing worse. If Congress may not act when 300,000 white people are domiciled there, it will have no better right to act when there are a million white people there. Unless something is speedily done, a condition of things will soon be developed which will shock our whole people. The problem is so complicated that it is impossible within the limits of this article to discuss the best method of reform and relief. One thing is certain—whatever is done must be done by Congress. The white men, who going through the farce of Indian marriage have become Indian citizens, and the half-breeds have already despoiled the real Indian of his land. The Indian legislatures and courts are the creatures of the land monopolists, and the longer Congress postpones the work of securing to Indians and white men alike their just rights in the Indian Territory, the greater will the injustice and wrong become, and the more difficult the enforcement of a remedy.

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